S.B.CRIMINAL REVISION PETITION NO.437/2007
(Surendra Kumawat Vs. State & Ors.)

Date of order : 14.9.2007

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. Gaurav Singh on behalf of
Mr. Sandeep Mehta, for the petitioner.
Mr. Vishnu Kachwaha, Public Prosecutor.
Mr. Vijay Kumar Chouhan, for non-petitioner.

Heard learned counsel for the parties and perused the order impugned dated 12.2.2007 passed by Civil Judge (JD) and Judicial Magistrate, First Class, Barr, District Pali.

From perusal of the order impugned, it is clear that the Magistrate without discussing the reasons of final report, took cognizance against the petitioner, which is not permissible under the law in view of the judgment rendered by Hon'ble Supreme Court in case of Suresh Vs. Mahadevappa Shivappa Danannava & Anr., reported in 2005 Cr.L.R. (SC) 295.

According, while following the aforesaid judgment, the revision petition is allowed and the order impugned dated 12.2.2007 is set aside and the case is remitted to the trial Court for passing fresh order after considering reasons of final report after following the procedure as laid down in Criminal Procedure Code.

(GOPAL KRISHAN VYAS), J .

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